

AUG 04 2003

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PTO/SB/23 (05-03)
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PETITION TO RESET A PERIOD FOR REPLY DUE TO LATE RECEPTION OF OFFICE ACTION

~~PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(b)~~

~~Check Number (Optional)~~
Confirmation Number

1123

In re Application of

Application Number 09/331,008

Filed 07/08/1999

For Eriko Shimizu

Art Unit 2615

Examiner Tia M Harris

This is a request for an extension of time of _____ (days), (weeks), (months) under 37 CFR 1.136(b) in this pending application. An extension of time is not available in this application under the provisions of 37 CFR 1.136(a); however, additional time to respond may still be granted under the patent statute. No petition fee is required. The reasons for requesting the extension of time are the following:

This is a request to reset a period for reply due to late receipt of an office action (MPEP 710.06)

(As a suitable form could not find at USPTO homepage, this form is used tentatively)

The reasons for requesting the reset of time are the following:

1. Reasons

The first office action for application number 09/331,008 that was mailed on Mar. 13, 2003 by a surface mail (mailed by ship), was received about two months late on May 21, 2003. Consequently, could not have time to prepare remarks or amendments for the office action.

2. Details of delayed receipt of the office action

An office communication package with a hand-written note "2 of 2" (copy1) that contained the first office action for the application number 09/331,008 was received on 05/21/2003 about two months late, because it was sent by a surface mail (mail by ship). This delay time is not unusual, because a surface mail generally needs 2 months from USA to Japan. It contained all of the office action documents and 4 copies (A,B,C,D) of 8 US Pat. references cited.

But, before the mail, another office communication package with a hand-written note "1 of 2" (copy2) was received by an airmail on 03/28/2003. However, as it contained only copies of US Pat. documents without comment, could not know what to do. (Afterwards, when received the "2 of 2" mail, it is understood that they were the remaining 4 copies (E,F,G,H) of the US Pat. references cited.)

So, the delay of receiving the office action was occurred because the "2 of 2" part of the office communication that contained the office action was sent by a surface mail instead of an airmail. The cover sheet of "2 of 2" and "1 of 2" is attached in copy3.

Eriko Shimizu

Signature

June/03/2003

Date

Eriko Shimizu

Typed or printed name/Title

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Fax/ Telephone Number

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.